

## **TOWN OF THORNTON PLANNING BOARD**

### **Hearing Date: February 21, 2008**

The Thornton Planning Board met and held a public hearing on, Thursday, February 21, 2008, 6:00 PM at the Thornton Town Hall.

Board Members present: Barry Van DeMoere, Chairman, Jim Parziale, Selectmen, Tom Anderson, Tyler Phillips, Sandy MacIntosh, Sally Kriebel, Russ Gilman, Alternate, Bart Dutto, Alternate, Carolyn Piantedosi, Alternate and Marianne Peabody, Secretary.

At 6:00 PM Chairman Van DeMoere opened this hearing beginning with the review of the meeting minutes of 1/17/08. Changes were made and a motion was made and seconded to accept. VOTED 7-0.

The minutes of the February 5, 2008 hearing were reviewed with changes made. A motion was made and seconded to accept. VOTED 7-0.

### **The Barron Mountain Club – Commons Development Group LLC – Gore Rd Phase I (41) Lots – Conditional Approval/Final**

Russell Gilman & Sandy MacIntosh stepped off the Board.

David Jordan, SFC Engineering, Bob Wildes, Commons Development, Gerald Fransen, Commons Development and Attorney Jack McCormick present.

Attorney McCormick submitted copies of the following instruments that he will e-mail to Planning Board Attorney Barton Mayer for review.

1. Proposed Warranty Deeds, which incorporate long term ownership and maintenance of roads.
2. Proposed Land Dedication Agreement with respect to The Barron Mountain Club.
3. Proposed Declaration of Covenants, Restrictions, Reservations and Easements.

David Jordan addressed the (24) items listed from the December planning board hearing. Waiting for the items in black.

1. **State Approvals – (Have been submitted to the State, wetlands, and alteration of terrain.**
2. **Driveways Permits – (Gore Rd is a scenic road – will contact Road Agent)**
3. **Public walking easements to National Forest – (Is addressed in the declaration of covenants) Easements to be shown on plan.**
4. **Private roads incorporated in deeds. (Also a note on the plan stating that they will not be offered up to the Town.)**
5. Home Owners Association - Long-term ownership & maintenance of roads (Addressed in deeds.)
6. Development Agreement – Submitted.
7. Road names approved by Fire Chief (Done.)
8. **911 Fees – (To be submitted.)**
9. **Stop sign end of Barron Rd & Spruce Rd – (Fees to be submitted)**
10. **Yield sign at the beginning of Sellingham Rd (Applicant to contact Woodstock Selectmen Road Agent to discuss with him if he feels there is a need.)**
11. Spread sheet density calculation. (Addressed on plan)
12. Abutter's footpath rights. (Addressed in declaration)
13. **Upton & Hatfield fee for review of Land Dedication, Covenants with a satisfaction resolution.**
14. Cistern location – (Approved by Fire Chief)

15. Sellingham Rd agreement – (Mentioned in the covenant that it would remain a private road. Also addressed is long-term ownership and maintenance of a portion of Sellingham Rd relative to repair, snow removal & snow plowing.)

**16. Exterior Lighting – (A note will show on the plan)**

**17. Off site improvements – Addressed by SFC Engineering in a letter dated 02/21/2008 – cost estimate line item to be included in the letter of credit.**

**18. Letter of credit – road construction, off site improvements, cistern, utilities, and paving.**

19. Gate at the end of Sellingham Rd (Letter of opinion from Woodstock & Campton/Thornton Fire Chiefs submitted)

**20. Keach Nordstrom Engineering fees. (Statement submitted to Commons Development for payment.)**

After discussion of the above, Engineer Jordan proceeded to review with the Board the completed technical review submitted by the planning boards engineering firm Keach-Nordstrom Associates, Inc.

The first item of this report discussed was:

#12. **GUARDRAILS** – Prior to the installation of the guardrails Commons Development is requesting to work out the platted roadways and driveways. Weathering guardrails will be installed if need be and an **as-built plan will be submitted**. Presently guardrails are not showing on the plan.

#15. **WAIVERS** – Keach-Nordstrom has recommended that **all waivers granted** by the Planning Board during the course of their deliberations **be shown on the final plan**. Commons Development has begun to contact contractors and will inform the planning board as they go along.

#18. **ROADWAY DESIGN PLANS** – An intersection grade waiver request dated February 21, 2008 has been submitted regarding Section IV General Requirements for the Subdivision of Land I. Table of Road Construction Standards #5. Maximum grade at intersection, within 100' of intersection 5%. The applicant is requesting a waiver to allow a grade of greater than 5% at a point 100' from the intersection of Gore Rd and Barron Road (7.9%) and for Spruce Peak (7.5%). In both cases the grade is 5% or less for the first 50 feet and then transitions up to the grade cited at a point 100' from the intersection. As stated, the reason for the requested waivers is to minimize road cuts and site disturbance as much as possible while still providing safe access. As mentioned previously they will be following as closely as possible the existing road that was cut out years ago. With the current road design taking into account the necessary platform at the intersection with Gore Road, it will be necessary to cut the road down even more than it currently is to meet the 12% grade approved by the Board, which will in turn further impact the cut slope along this section of road. Engineer David Jordan pointed out the New Hampshire DOT Policy and Procedure for driveways and other accesses to the State Highway System does provide guidance on the issue of maximum road grades at intersections. "In rural areas grades shall be constructed downward from the highway surface at a grade of not more than 6 percent, for at least 1 car length of 6 meters, or 20 feet to the existing ditch line and shall slope up or down not more than 6 percent at further distance sufficient to accommodate expected vehicle storage." The design of Barron Road and Spruce Road meets the above requirements. Traffic study performed by Barron Mt. has a maximum of 12 vehicles exiting during the Saturday peak hour. The

intersection platform that will be provided is sufficient for storage of 3 vehicles before the grade starts to exceed 6%.” After discussion the board has requested a **stop sign at the intersection of Spruce Peak Rd & Barron Road**. A motion was made and seconded to accept and approve this waiver request. VOTED 6-0.

**DRAINAGE DESIGN** – Relative to roadway fill embankment height, length, slope and location. Keach – Nordstrom has recommended more intermediate cross-culverts to diminish the length of uninterrupted flow. Flow capacities were discussed and Engineer Jordan submitted an Eastman Brook Watershed map showing an area of 15,186 ac. A waiver request has been submitted for Section IV General Requirements for the Subdivision of Land N. Drainage Design 1. Flood Attenuation – Storm water runoff from a developed area shall be detained such that post development peak flows at the property line for the 2 and 10-year storm event in a pre-developed condition. This waiver request explained that the project has been designed to address the storm water runoff water quality requirements of the Town of Thornton, NH DES and US EPA. They have not however detained this runoff on-site and do in fact show an increase in the peak rate of runoff entering Eastman Brook for the 2 and 10-year event. The reason for this is due to the location of this project relative to the Eastman Brook watershed. This site is along the lower reach of Eastman Brook with a 15,000-acre watershed above our project. It is common engineering practice and better storm water management in situations like this to allow our storm runoff to flow off-site and downstream without restriction so as to “beat the peak” flow coming from upstream to do other wise could worsen can actually worsen off-site flows by delaying peak flow long enough to coincide with the larger flow coming from the upstream watershed. NHDES Alternation of Terrain application has been submitted. The board has requested more information.

**#28. STORMWATER MANAGEMENT** – According to Keach-Nordstroms report he states; “Based upon our review of the Stormwater Management Report submitted by the applicant’s consultant, it does not appear that the requirements of Sections IV. N. 1, IV. N. 2 and IV. N. 3 of the Subdivision Regulations have been fulfilled. We recommend the design engineer revise the project plans and corresponding drainage calculations accordingly.” Discussion centered on the water leaving the site, watershed, beat the peak, drip edge on structures, and restriction of low phosphorous fertilizers. The Board has requested additional information and more discussion will take place at the March hearing. The board has requested more detail on treatment performance and construction that prevents rooftop runoff that is recharged through drip edge from entering footing drains and a revised waiver request.

**Richard McManus – 14 Berry Knoll Rd (2) Lot Subdivision –  
Consultation Review/Formal Consideration**

John March, Surveyor presenting plan. Richard McManus present. Attorney, Brian Ray present. Abutters present: Debbie Dent and Frank Freeman. A letter of opinion from Attorney Barton Mayer dated February 6, 2008 was referred to and passed on to parties present. In brief it states that the Planning Board cannot resolve a deed restriction or covenant and such restrictions are not enforceable against the Town. If the covenants were imposed by the Planning Board or were an integral part of a Planning Board approval, then the Board may have standing to enforce a covenant. With that discussed the planning board proceeded to look at the subdivision presented. Mr. McManus has a

total of 3.79 ac. Parcel ID 17-04-24. He is proposing two lots. Lot 1, 2.77 ac. with an existing house and garage. The existing garage is located on the west side of Berry Knoll, and the setback of this garage is not in compliance with zoning Lot 2, 1.02 ac. John March informed the Board that they have submitted to DES and there was a question relating to access onto Lot 2. There are two options. Access off of Berry Knoll or Sugar Run Rd. Abutters Debbie Dent and Frank Freeman would prefer to see access off of Sugar Run, and Surveyor John March agreed. He explained that the site distance is better with frontage on Sugar Run Road showing 284.11 ft. After discussion it was decided that the access to Lot 2 will show on the plan and there will be a note on the plan stating that there will be no further subdivision to these lots. The checklist was reviewed. A motion was made and seconded to accept the application. VOTED 7-0. Waiting for the following:

- 1. DES Approvals.**
- 2. Driveway Access to shown off of Sugar Run Rd.**
- 3. A note on the plan. No further subdivision.**

Post for final next month.

#### **Other Business before the Board**

The Board has requested that the density for Owl Street Associates be researched relative to the Neighborfest property.

**2008 – Capital Improvements Plan – A motion was made and seconded to accept the 2008 CIP Plan and to continue to work with the Board of Selectmen as stated in the January 17, 2008 letter. VOTED 7-0.**

The Board will not be holding a March business meeting.

It has been requested by Board Member Phillips to request a disclaimer statement on the Towns web-site relative to recent updates of regulations or notices. This disclaimer should direct interested parties to check in with the Town Office for latest updates.

**Planning Board Member Sally Kriebel** – This is Board Member Kriebel’s last evening sitting on our Board. Sally has decided to take some time off. Board Member Kriebel had some final comments to share with her fellow Board Members. She began by saying that our Board has come a long way and she commended each Member for their dedication to our Town. She urged each member to come to the table prepared and to bring their paperwork. She recommends that the Board address the recommendations made by Mary Pinkum relative to loam (excavation) in our zoning ordinance, and she cautions board members to not partake in exparte matters, and to write out a subscribe procedure to be in our regulations for seeking waivers to be in our regulations and strictly adhere to.

The Thornton Planning Board wishes to extend to Board Member Sally Kriebel a gracious thank-you for her contribution to the progression of this Board.

This hearing ended at 9:20 PM. Next scheduled hearing to be held on, Thursday, March 20, 2008 @ 6:00 PM.

Respectfully Submitted,  
Marianne Peabody  
Secretary  
02/26/08